

Exhibit A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

UNITED STATES OF AMERICA *
*
V *
*
ANGELO PETER EFTHIMIATOS * CRIMINAL FILE NO. 18-49

MOTION TO WITHDRAW AS ATTORNEY
Tuesday, September 4, 2018
Burlington, Vermont

BEFORE:

THE HONORABLE CHRISTINA REISS
District Judge

APPEARANCES:

EUGENIA A.P. COWLES, ESQ., Assistant United States
Attorney, Federal Building, Burlington, Vermont;
Attorney for the United States

STEVEN L. BARTH, ESQ., Assistant Federal Public
Defender, Office of the Federal Public Defender,
District of Vermont, 126 College Street, Suite
410, Burlington, Vermont; Attorney for the
Defendant

ANNE NICHOLS PIERCE
Registered Professional Reporter
United States District Court
Post Office Box 5633
Burlington, Vermont 05402
(802) 860-2227

1 TUESDAY, SEPTEMBER 4, 2018

2 (The following was held in open court at 10:08 a.m.)

3 COURTROOM DEPUTY: Your Honor, the matter
4 before the Court is criminal case number 18-CR-49-1,
5 United States of America versus Angelo Peter
6 Efthimiatis. Representing the government is Assistant
7 United States Attorney Geni Cowles. The defendant is
8 present today with Attorney Steven Barth.

9 And we are here for a hearing on the motion to
10 withdraw as attorney.

11 THE COURT: Good morning.

12 MR. BARTH: Good morning, your Honor.

13 THE DEFENDANT: Good morning.

14 THE COURT: So we have kind of two parts to
15 this, and I was thinking I would take up the first part
16 without the prosecutor in the courtroom, and that's
17 whether or not Mr. Barth should be -- withdraw as
18 counsel. If Mr. Efthimiatis decides that he wants to
19 represent himself, I am going to have you in the
20 courtroom because that's a very important decision --
21 they're all important decisions, but it doesn't have to
22 do with trial strategy. It has to do with honoring his
23 constitutional right but also making sure he understands
24 what's going on.

25 So any problem with having it done in that two-part

1 fashion?

2 MR. BARTH: No, your Honor.

3 MS. COWLES: No, your Honor.

4 THE COURT: And you are okay with that?

5 THE DEFENDANT: No, your Honor.

6 THE COURT: Okay. Thank you, Miss Cowles.

7 (Attorney Cowles exited the courtroom.)

8 **A PORTION OF THIS TRANSCRIPT IS SEALED**

9 **BY ORDER OF THE COURT**

10 (Attorney Cowles entered the courtroom.)

11 THE COURT: Miss Cowles, I am going to grant
12 Mr. Efthimiatos new counsel, and we are going to get
13 this going as quickly as possible in light of the
14 potential penalties in this case. I don't want him
15 incarcerated pretrial any longer than necessary, and so
16 you should anticipate that as well.

17 We have, I believe, 31 days on the speedy trial
18 clock, so we will be setting it promptly. Some of the
19 dates that I was looking at is a jury draw of October
20 2nd, and we'll consult more, but I have got to get new
21 counsel on board first.

22 All right. Anything else at this time?

23 MR. BARTH: Your Honor, I had filed motions to
24 toll the speedy trial clock in conjunction with a
25 request to move the trial date from September 11th.

1 Since that time, Mr. Efthimiatos has told me he does not
2 want the speedy trial clock tolled, and I just asked him
3 now to confirm that, and he confirmed it. So I thought
4 it important that the Court know that.

5 THE COURT: So what I will do is I will grant
6 your motion to move it from September 11th, because it's
7 not going to happen now. That will take that off the
8 speedy trial clock. I am going to grant your motion to
9 withdraw as of today. New counsel will come on board.

10 So, Mr. Efthimiatos, any time a motion is filed, it
11 tolls the clock. So if you ask for new counsel or your
12 new counsel says, "I need more time to get up to speed"
13 or "I want to file pretrial motions," every time that
14 happens, the clock is tolled. That's just automatic.
15 There's no getting away from it. But by granting these
16 motions today, at least it won't be any further time on
17 the clock.

18 Does that work for everyone?

19 MR. BARTH: Correct. In other words, the
20 clock would begin ticking again today.

21 THE COURT: It would.

22 MR. BARTH: Very well. Thank you, your Honor.

23 THE COURT: And no surprises. Your new
24 counsel is going to want time. They won't be doing
25 their job if they don't ask for it, so you should

1 anticipate that. Okay?

2 THE DEFENDANT: Okay. Can I have these two
3 letters handed over to you?

4 THE COURT: You -- right now, you are
5 technically without an attorney. You want to tell me
6 what the documents are entitled so we have it on the
7 record?

8 THE DEFENDANT: I do not have titles on these
9 documents here. They're just two -- some letters that I
10 wrote you.

11 THE COURT: Okay. I'm going to ask that you
12 hold off on it and talk to your new attorney about it,
13 because you're technically in this limbo state, and I
14 don't want you to do anything that would prejudice your
15 rights.

16 At some point you and I, if we -- if you are
17 convicted, we are going to be talking a lot. So don't
18 worry, just like I did today, I am going to let you tell
19 me anything that you want to tell me.

20 So our next event will be reappointing counsel, and
21 then we are going to go for a jury draw date promptly,
22 so be prepared.

23 All right. Anything further?

24 MR. BARTH: No, your Honor.

25 MS. COWLES: No, your Honor.

1 THE COURT: Thank you.

2 THE DEFENDANT: Thank you.

3 (Court was in recess at 10:43 a.m.)

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7 C E R T I F I C A T I O N

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I certify that the foregoing is a correct
transcript from the record of proceedings in the
above-entitled matter.

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October 11, 2018

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Date

Anne Nichols Pierce

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